



**DEPARTMENT OF CORRECTIONS  
YOUTH COMMUNITY CORRECTIONS BUREAU  
POLICY**

Policy No.: YCC 1.1.15	Subject: <b>JUVENILE DETENTION</b>	
Chapter 1: ADMINISTRATION & MANAGEMENT	Page 1 of 3	
Section 1: General Administration	Revision Date: 01-11-11	
Applicable ACA Standards: 2-7170	Effective Date: 11-23-07	
Signature: /s/ Karen Duncan		
Signature: /s/ Mike Ferriter for YSD Administrator		

**I. POLICY:**

It is the policy of the Montana Department of Corrections to provide a standardized manner in which to detain youth under its jurisdiction while awaiting a more permanent disposition. This policy will be reviewed annually and updated as needed.

**II. APPLICABILITY:**

All Youth Community Corrections (YCC) facilities and programs

**III. DEFINITIONS:**

**Certificate to Detain** -a certificate issued by the Department authorizing the placement of a youth in a detention facility.

**Detention** - the holding or temporary placement of the youth in the youth's home under house arrest or in a facility other than the youth's own home for the purpose of ensuring the continued custody of the youth at any time after the youth is taken into custody.

**Long-Term Detention Facility** -a detention facility, licensed by the Department, which provides secure detention and programming for youth requiring incarceration in excess of 10 days.

**Short Term Detention Facility** - a detention facility licensed by the department for the temporary placement or care of youth, for a period not to exceed ten days excluding weekends and legal holidays, pending a probable cause hearing, release, or transfer of the youth to an appropriate detention facility, youth assessment center, or shelter care facility.

**Standard Metropolitan Statistical Area** -a jurisdiction with a population of at least 100,000.

**Youth** - an individual aged 10 through 17 who has been court-ordered to the Department of Corrections for placement into a secure care facility.

**IV. BUREAU DIRECTIVES:**

- A. A youth under the supervision of the Department who violates the terms and conditions of a parole agreement, or has absconded from a youth facility/program, may be detained by

Policy No.: YCC 1.1.15	Chapter 1: ADMINISTRATION & MANAGEMENT	Page 2 of 3
Subject: <b>JUVENILE DETENTION</b>		

law enforcement or by the Department upon issuance of a [Certificate to Detain \[YCC 100-3 \(A\)\]](#). This also applies to youth being supervised under the interstate compact for juveniles.

- B. A youth may not be detained pending a revocation hearing except when detention is required to protect the public, the youth, property or there is risk of the youth absconding. A youth being detained pending a hearing must be detained in one of the following:
  - 1. A licensed foster home or a home approved by the court;
  - 2. A facility operated by a licensed child welfare agency; or
  - 3. A licensed detention facility.
- C. A youth may not be detained or otherwise placed in a jail or other adult detention facility except as provided by state law. Exceptions are as follows:
  - 1. For a period of time, not to exceed six hours for the purpose of identification, processing, or transfer to an appropriate detention facility or shelter care facility; or
  - 2. For a period of time, not to exceed 24 hours, excluding weekends and legal holidays, if the youth is awaiting a probable cause hearing pursuant to state law. This exception applies only if:
    - a. The court having jurisdiction over the youth is outside a standard metropolitan statistical area;
    - b. Alternative facilities are not available or alternative facilities do not provide adequate security; and
    - c. The youth is kept in an area that provides physical, as well as sight and sound, separation from adults accused or convicted of criminal offenses.
- D. Licensed youth detention facilities may refuse admission of youth if admitting the youth violates their operation policies or procedures.
- E. Youth who are 18 years of age or older may not be detained in a juvenile detention facility. Youth who are convicted as adults may not be detained in a juvenile detention facility.
- F. Youth will be detained only until such time that arrangements can be made to initiate a more permanent disposition.

## V. CLOSING:

Policy No.: YCC 1.1.15	Chapter 1: ADMINISTRATION & MANAGEMENT	Page 3 of 3
Subject: <b>JUVENILE DETENTION</b>		

Questions concerning this policy should be directed to the youth community corrections bureau chief or the bureau's detention licensing specialist.

#### **VI. REFERENCES:**

<u><a href="#">41-5-103, MCA</a></u>	<u><a href="#">Definitions</a></u>
<u><a href="#">41-5-206, MCA</a></u>	<u><a href="#">Transfer to Criminal Court Prior to Prosecution</a></u>
<u><a href="#">41-5-349, MCA</a></u>	<u><a href="#">Youth Not to Be Detained in Jail - Exceptions - Time Limitations</a></u>
<u><a href="#">41-5-331, MCA</a></u>	<u><a href="#">Rights of Youth Taken Into Custody - Questioning - Hearing for Probable Cause - Detention</a></u>
<u><a href="#">41-5-1512, MCA</a></u>	<u><a href="#">Youth in Need of Intervention</a></u>
<u><a href="#">41-5-1513, MCA</a></u>	<u><a href="#">Disposition of Delinquent Youth</a></u>
<u><a href="#">52-5-128, MCA</a></u>	<u><a href="#">Detention of Youth who Violates Aftercare Agreement</a></u>

#### **VII. ATTACHMENTS:**

None